UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,365	12/27/2001	Goushi Yonekura	31481-69585	8703

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EXAMINER
JOO, JOSHUA

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td><td></td></tr>
<tr><td>10/034,365</td><td>YONEKURA, GOUSHI</td><td></td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Joshua Joo</td><td>2154</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 December 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-48_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-48_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _02/19/2004_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   Claims 1-48 are presented for examination.

2.   Claims 1-48 are rejected.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted 12/27/2001 is in compliance with

the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being

considered by the examiner.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al,

US Patent #6,247,050 (Tso hereinafter) and in view of Elliott et al, US Patent #6,754,181 (Elliott

hereinafter).

6.   As per claim 1, Tso teaches an invention for providing transcoding to clients accessing

web content and providing performance improvement information to the clients. Tso's invention

comprises of:

        a)   a content relay service device that manages a member information database in

which a member is registered, the member is a service receiver who uses a browser installed

terminal; (Col 5, lines 7-12; 41-45. Remote scaling server stores an IP address and maintains a client preference table of clients using the service, in which the clients use browser installed terminals.);

b)   the content relay service device communicates with the browser installed terminal of the member which makes access thereto authenticate the browser installed terminal, the authentication is performed by a predetermined authentication procedure with reference to the member information database (Col 5, lines 24-26; 31-35; 40-44. Remote scaling server determines if the client is "enabled" or "non-enabled" and stores information regarding the client in a client preference table.);

c)   a Web content "C" specified by the browser installed terminal "B" of the member "A" is obtained from the Internet, the obtained Web content "C" is processed by a data amount reducing mechanism, and a Web content "D" thus processed is transmitted to the browser installed terminal "B," (Col 5, lines 7-12; 45-50. Web content specified by the browser is retrieved and scaled by the remote scaling server. The reduced web content is then send to the network client.);

d)   a data reduction achievement is calculated when the Web content "C" is processed by the data amount reducing mechanism to be converted into the Web content "D," and data of the data reduction achievement is recorded while being correlated with the member "A" of the member information database (Col 3, lines 38-48; Col 8, lines 7-15. Remote scaling server maintains a performance data collection module for recording the performance improvements attributable to the remote scaling server. The performance related information may include the original size of the object and the size actually being downloaded.); and

e)   the data of the data reduction achievement for each member recorded in the

member information database is edited and outputted in a predetermined manner (Col 8, lines

3-7. Performance improvement information is transmitted to the network client each time it

downloads a requested object.).

7.   Tso does not specifically teach of a content relay service device in which browser

installed terminal is subscribed to a communication service of a data amount charging type

network connected to the Internet;

8.   Elliott teaches of authenticating and subscribing a user, who is a service receiver who

uses a browser installed terminal subscribed to a communication service of a data amount

charging type network connected to the Internet (Col 21, lines 21-25; Col 31, lines 11-15; Col

82, lines 51-52; Col 82, line 66 – Col 83, line 4; Col 171, lines 24-29).

9.   It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modifying the invention of Tso with the teachings of Elliott.   Tso teachings of

maintaining a client preference table to provide improved performance information, thus it would

have been desirable for the user to subscribe and register to use the network services as well.

Users subscribing and registering to use the network services improves the invention of Tso by

providing security and privacy to the clients. Also, the teachings of Elliott to provide service

based on a data amount charging network improves the invention of Tso by providing flexibility

to the clients by offering varying rates for different levels of service. Thus, the client would be

charged less for lower bandwidth utilization instead of a standard fixed rate.

10.   As per claim 10, Tso teaches an invention for providing transcoding to clients accessing

web content and providing performance improvement information to the clients. Tso's invention

comprises of:

        a)   a content relay service device that communicates with the browser installed

terminal of the user which makes access thereto to authenticate the browser installed terminal

in which the user is a member, the authentication is performed by a predetermined

authentication procedure (Col 5, lines 7-12; 24-45. Remote scaling server stores an IP address

and maintains a client preference table of clients using the service, in which the clients use

browser installed terminals. Remote scaling server determines if the client is "enabled" or "non-

enabled" and stores information regarding the client in the client preference table.);

        b)   a Web content "C" specified by the browser installed terminal "B" of the member

"A" is obtained from the Internet, the obtained Web Content "C" is processed by a data amount

reducing mechanism, and a Web content "D" thus processed is transmitted to the browser

installed terminal "B" (Col 5, lines 7-12; 45-50. Web content specified by the browser is

retrieved and scaled by the remote scaling server. The reduced web content is then send to the

network client.); and

        c)   a data reduction achievement is calculated when the Web content "C" is

processed by the data amount reducing mechanism to be converted into the Web content "D,"

and the data of the data reduction achievement is edited and outputted in a predetermined

manner. (Col 3, lines 38-48; Col 8, lines 3-15. Remote scaling server maintains a performance

data collection module for recording the performance improvements attributable to the remote

scaling server. The performance related information may include the original size of the object

and the size actually being downloaded. Performance improvement information is transmitted to the network client each time it downloads a requested object.).

Tso does not teach:

a)   a service receiver is a user of a browser installed terminal subscribed to a communication service of a data amount charging type network connected to the Internet;

b)   the content relay service device communicates with the browser installed terminal of the user is a temporary member, the authentication is based on personal information of the user, obtained through the communication.

11.   Elliott teaches of authenticating and subscribing a user, who is a service receiver who uses a browser installed terminal subscribed to a communication service of a data amount charging type network connected to the Internet. The subscriber's service may be temporary such as on a call-by-call basis. Also, for authentication purposes, the customer is identified by personal information such as name, user ID, or a password. (Col 21, lines 21-25; Col 31, lines 11-15; Col 82, lines 51-52; Col 82, line 66 – Col 83, line 4; Col 93, lines 11-21; Col 171, lines 24-29).

12.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to modifying the invention of Tso with the teachings of Elliott.   Tso teachings of maintaining a client preference table to provide improved performance, thus it would have been desirable for the user to authenticate and register to use the network services as well. Users authenticating and registering to use the network services based on personal information improves the invention of Tso by providing security and privacy to the clients. The teachings of Elliott to provide temporary service and services based on data amount charging also improves

the invention of Tso by providing flexibility to the clients of the system to be charged for call-by-call basis and the option of selecting varying rates for different levels of service. The client would be charged less for lower bandwidth utilization instead of a having to pay a standard fixed rate for services not used.

13.   As per claims 2 and 11, Tso teaches a content relay service device according to claims 1 and 10, wherein the data of the data reduction achievement is edited in a reduction achievement report of a Web document form, and the reduction achievement report regarding the number "A" is presented according to a request from the browser installed terminal "B." (Col 8, lines 3-7; 32-34. Performance improvement data is sent to the network client each time the network client downloads requested URL-addressable Web content. Performance improvement data may be embedded in JavaScript and VB Script codes.).

14.   As per claims 3, 4, 12, 13, Tso does not teach a content relay service device, wherein as a data reduction achievement when the Web content "C" is processed by the data amount reducing mechanism to be converted into the Web content "D," communication fees in the data amount charging type network corresponding to the reduced data amount is calculated.

15.   Elliott teaches an invention for routing information through a network, where the communication fee for using the service depends on the amount of compression applied (Col 82, lines 66 - Col 83, lines 4).

16.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tso with the teachings of Elliott. Tso teaches an invention for compressing web content, determining the size of the web content after transcoding, and

providing the network client with information regarding the performance of the transcoding. It would also have been desirable for Tso to use this information to determine a fee on the bases of data compression because it would improve Tso's invention by using the information to provide the client a level of service based on network usage at varying price.

17.   As per claims 5, 14, 19, 23, 27, 34, 38, 42, Tso teaches a content relay service device further comprising:

a specification information mechanism for obtaining specification regarding a function provided in the browser installed terminal through communications with the terminal, which makes access (Col 4, lines 1-4; Col 5, lines 24-32. Remote scaling server distinguishes between a "non-enabled" network client and an "enabled" network client through the use of a private protocol.): and

a terminal differentiating mechanism for differentiating the terminal into a type "a" loading predetermined compressed data decompression program and a type "b" loading no compressed data compression program based on the specification information obtained from the browser installed terminal (Col 4, lines 1-4; 38-41; Col 5, lines 24-32. Remote scaling server distinguishes between a "non-enabled" network client and an "enabled" network client through the use of a private protocol. "Non-enabled" network client means there is no preloaded transcoding software on the device. "Enabled" network client means the client is loaded with transcoding software.): and,

wherein the data amount reducing mechanism reduces a data amount of the Web content based on a system needing no compressed data decompression program for the browser installed terminal of the type "a," and reduces a data amount of the Web content based on a system including a predetermined compression algorithm for the browser installed terminal

of type "b." (Col 4, lines 59-64; Col 6, lines 47-50. "Enabled" network clients loaded with

transcoding software allow for more sophisticated, transcoding functionality.).

18.   As per claims 6, 15, 20, 24, 28, 35, 39, 43, Tso teaches a content relay service device

further comprising a program sending mechanism for sending the compressed data

decompression program to the browser installed terminal, which makes access, wherein

The terminal differentiating mechanism differentiates a terminal capable of loading the

compressed data decompression program from the browser installed terminal of the type "a,"

and the compressed data decompression program is downloaded for the differentiated terminal

by the program sending mechanism (Col 4, lines 1-4; Col 5, lines 24-32; Col 6, lines 46-50.

Remote scaling server distinguishes between a "non-enabled" network client and an "enabled"

network client. "Non-enabled" network clients may download the decoding client software

allowing for transcoding functionality.).

19.   As per claims 7-9, 16-18, 21-22, 25-26, 29-33, 36-37, 40-41, 44-48, Tso teaches a

content relay service device comprising:

A cache mechanism for saving the Web content "D" before data amount reduction

processing for a predetermined period; and

A transmission mechanism for transmitting the Web content "D" saved in the cache

mechanism when a certain browser installed terminal which makes access after authentication

specifies the Web content "C" which is an origin of the Web content "D." (Col 4, lines 32-33; Col

5, lines 7-10; 32-33; Col 6, lines 10-15. Remote scaling server maintains both the original and

transcoded versions of Web content in its cache memory to facilitate subsequent requests by

the same or different network client(s).).

Conclusion

20.   The following prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

> Pepe, et al, US Patent #5,673,322, teaches of compressing web content and providing
> compression software to users.
>
> Kloba et al, US Patent #6,839,744, teaches of providing tokenized content to registered
> users.

21.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

22.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Joshua Joo whose telephone number is 571 272-3966 and fax number is

571 273-3966. The examiner can normally be reached on Monday to Thursday 8 to 5:30.

23.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on 571 272-3964.

24.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 8, 2005
JJ

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100